

By



A. B. No. 144

A BILL TO BE ENTITLED

AN ACT

to authorize and empower Brown County Water Improvement District No. 1 to provide for and administer a retirement, disability, and death compensation fund for ~~officers and~~ employees of the district; providing for the investment, reinvestment, and change of investment of such funds; authorizing the directors of such district to adopt a plan or plans for effectuating the purpose of this Act, to provide rules and regulations governing all such compensation and from time to time to change any such plan, rule, or regulation; and providing that the recipients of benefits of such fund shall not be eligible for any other pension retirement fund or direct aid from the State of Texas, unless the fund created hereunder is released to the state as a condition precedent to receiving such other aid; providing for such district to include hospitalization, medical benefits, and group life insurance to their ~~officers and~~ employees as part of the compensation currently paid to such ~~officers and~~ employees; making this Act cumulative of other laws on the subject; providing that unconstitutionality of any part of the Act shall not invalidate the remainder; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Board of Directors of the Brown County Water Improvement District No. 1 shall have the right to provide for and administer a retirement, disability, and death compensation fund for such ~~officers and~~ employees of the district as the directors may from time to time determine; and the directors of said district shall have power and authority to adopt such plan or plans to effectuate the purpose of this Act, including such forms of insurance or annuities, either or both, all as may be deemed advisable by said directors; provided that said directors shall have the power and authority from time to time, after notice to their employees and a hearing thereon, to change any such plan, rule, or regulation.

Sec. 2. All funds provided from the compensation of such ~~officers or~~ employees, and by the district, for such retirement, disability, and death compensation fund, after they are received by the district, shall be invested in either or both of the following ways: (1) in bonds of the United States, the State of

1 Texas, or county or city or other governmental subdivisions of
2 this state, or in bonds issued by an agency of the United States
3 Government, the payment of the principal and interest on which is
4 guaranteed by the United States, provided that a sufficient amount
5 of said fund shall be kept on hand to meet the immediate payment
6 of amounts likely to become due each year out of said fund, such
7 amount of funds to be kept on hand to be determined by the
8 directors of the district; or (2) in such life insurance policies,
9 endowment or annuity contracts, or interest-bearing certificates of
10 legal reserve life insurance company or companies authorized to
11 write such contracts in Texas, as may be determined by the
12 directors of the district; provided that said directors shall have
13 power and authority, from time to time, as they may deem
14 advisable, to change from one of said ways of investment to the
15 other, or any combination of the two; and provided that the
16 recipients or beneficiaries from said fund shall not be eligible
17 for any other pension retirement funds or direct aid from the State
18 of Texas, unless the fund, the creation of which is provided for
19 herein, contributed by the district, is released to the State of
20 Texas as a condition precedent to receiving such other pension aid.

21 Sec. 3. The board of directors of said district shall have
22 the right to include hospitalization, group life insurance, and
23 medical benefits to their ~~officers and~~ employees as part of the
24 compensation currently paid to ~~such officers and~~ employees by such
25 district, all as may be provided for in any plan, rule, or
26 regulation from time to time made by said directors, or otherwise
27 as said directors may determine, provided that said directors shall
28 have power and authority from time to time to change any such plan,
29 rule, or regulation.

30 Sec. 4. This Act shall be cumulative of other laws governing
31 Brown County Water Improvement District No. 1 and shall not be
32 construed to repeal any other statutes or regulations for the
33 government of such district, except to the extent that this Act
34 may conflict therewith, in such event this Act shall control.
35 All other statutes governing such district, or applying to it and
36 regulating the handling of the accounts of such district, the
37 payment of money and the time, method, and manner of making
38 reports, and all other matters shall continue in full force and
39 effect and shall regulate the handling of funds under this Act,
40 except as otherwise herein expressly provided.

41 Sec. 5. If any part of this Act shall be held to be uncon-
42 stitutional or void, such action shall not affect the other por-
43 tions of this Act.

44 Sec. 6. The fact that present statutes relating to Brown
45 County Water Improvement District No. 1 do not specifically
46 authorize the board of directors of the district to provide for and
47 administer a plan for retirement, disability, death compensation,
48 hospitalization, group life insurance, or medical benefits; and
49 the fact that such district is in competition with other employers,
50 public as well as private, within the district which grant
51 employees such benefits as part of their compensation in addition
52 to their cash salaries, making it difficult for such district to
53 secure and retain competent employees, to the detriment of such
54 district, their employees, and the State of Texas, create an

1 emergency and imperative public necessity requiring that the
2 Constitutional Rule requiring bills to be read on three several
3 days in each House be suspended; and this Rule is hereby suspended,
4 and this Act shall take effect and be in force from and after its
5 passage, and it is so enacted.
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FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 2-18-69

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSERVATION AND RECLAMATION, to whom was

referred H.B. No. 144, have had the same under consideration

and beg to report back with recommendation that it ^{ do } ~~do not~~ pass, and be ~~not~~ printed


Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

Bill Analysis

(1) Background Information:

The Brown County Water Improvement District No. 1 is in competition with other employers, both public and private within the district. It is imperative that the district be empowered to make these benefits, insurance and retirement, available to its personnel in order to secure and retain competent employees, since such competing employers do offer these benefits.

(2) What the Bill proposes to do:

The Bill enables the Brown County Water Improvement District to provide and administer a retirement, disability and death compensation fund and include hospitalization, medical benefits, and group life insurance for its officers and employees.

(3) Section by Section Analysis:

Section 1 establishes the right in the directors of the district to effectuate the above mentioned benefits in the manner that they deem advisable and appropriate.

Section 2 states the type of investments in which the funds shall be invested, and declares that the beneficiaries from the fund shall not be eligible to receive any similar benefits from the State, unless the fund is released to the State.

Section 3 provides that the directors of the district shall have the right to include insurance benefits as a part of the compensation to its personnel.

Section 4 consolidates this Act with the existing laws governing this district and establishes the supremacy of this Act in the event of any conflicts therewith.

Section 5 is the severability clause

Section 6 states the necessity of this Act and declares an emergency.

Amendment NO 1 Pay Wabers

Amend H.B. No 144
by deleting the words
"officer and" in the following
places in said bill;
to wit

- (1) line 12 of caption
- (2) line 28 of caption
- (3) line 41 of Section 1
- (4) line 51 of Section 2
"officer or"
- (5) line 23 page 2 Section 3.

and reinsert said ~~place~~ the
deletions in said sentence
correctly.

FEB 26 1969

DATE

#1 READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

YK. 2. 26. 69

OK 2. 26. 69

By Hon. Jacob Vok

By: Nabers

H.B. No. 144

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Board of Directors of the Brown County Water Improvement District No. 1 shall have the right to provide for and administer a retirement, disability, and death compensation fund for such employees of the district as the directors may from time

to time determine; and the directors of said district shall have power and authority to adopt such plan or plans to effectuate the purpose of this Act, including such forms of insurance or annuities, either or both, all as may be deemed advisable by said directors; provided that said directors shall have the power and authority from time to time, after notice to their employees and a hearing thereon, to change any such plan, rule, or regulation._____

Sec. 2. All funds provided from the compensation of such employees, and by the district, for such retirement, disability, and death compensation fund, after they are received by the district, shall be invested in either or both of the following ways: (1) in bonds of the United States, the State of Texas, or county or city or other governmental subdivisions of this state, or in bonds issued by an agency of the United States Government, the payment of the principal and interest on which is guaranteed by the United States, provided that a sufficient amount of said fund shall be kept on hand to meet the immediate payment of amounts likely to become due each year out of said fund, such amount of funds to be kept on hand to be determined by the directors of the district; or (2) in such life insurance policies, endowment or annuity contracts, or interest-bearing certificates of legal reserve life insurance company or companies authorized to write such contracts in Texas, as may be determined by the directors of the district; provided that said directors shall have power and authority, from time to time, as they may deem advisable, to change from one of said ways of investment to the other, or any combination of the

two; and provided that the recipients or beneficiaries from said fund shall not be eligible for any other pension retirement funds or direct aid from the State of Texas, unless the fund, the creation of which is provided for herein, contributed by the district, is released to the State of Texas as a condition precedent to receiving such other pension aid. _____

Sec. 3. The board of directors of said district shall have the right to include hospitalization, group life insurance, and medical benefits to their employees as part of the compensation currently paid to such employees by such district, all as may be provided for in any plan, rule, or regulation from time to time made by said directors, or otherwise as said directors may determine, provided that said directors shall have power and authority from time to time to change any such plan, rule, or regulation. _____

Sec. 4. This Act shall be cumulative of other laws governing Brown County Water Improvement District No. 1 and shall not be construed to repeal any other statutes or regulations for the government of such district, except to the extent that this Act may conflict therewith, in such event this Act shall control. All other statutes governing such district, or applying to it and regulating the handling of the accounts of such district, the payment of money and the time, method, and manner of making reports, and all other matters shall continue in full force and effect and shall regulate the handling of funds under this Act, except as otherwise herein expressly provided. _____

Sec. 5. If any part of this Act shall be held to be unconstitutional or void, such action shall not affect the other portions of this Act. _____

Sec. 6. The fact that present statutes relating to Brown County Water Improvement District No. 1 do not specifically authorize the board of directors of the district to provide for and administer a plan for retirement, disability, death compensation, hospitalization, group life insurance, or medical benefits; and the fact that such district is in competition with other employers, public as well as private, within the district which grant employees such benefits as part of their compensation in addition to their cash salaries, making it difficult for such district to secure and retain competent employees, to the detriment of such district, their employees, and the State of Texas, create an emergency and imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted. _____

Austin, Texas

July 27, 1969

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on County, District and Urban Affairs,
to which was referred #1 B. No. 144, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Hall
Chairman

Wood

CAS

ENROLLED

H.B. No. 144

AN ACT

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Sec. 2. All funds provided from the compensation of such employees, and by the district, for such retirement, disability, and death compensation fund, after they are received by the district, shall be invested in either or both of the following ways: (1) in bonds of the United States, the State of Texas, or county or city or other governmental subdivisions of this state, or in bonds issued by an agency of the United States Government, the payment of the principal and interest on which is guaranteed by the United States, provided that a sufficient amount of said fund shall be kept on hand to meet the immediate payment of amounts likely to become due each year out of said fund, such amount of funds to be kept on hand to be determined by the directors of the district; or (2) in such life insurance policies, endowment or annuity contracts, or interest-bearing certificates of legal reserve life insurance company or companies authorized to write such contracts in Texas, as may be determined by the directors of the district; provided that said directors shall have power and authority, from time to time, as they may deem advisable, to change from one of said ways of investment to the other, or any combination of the

two, and provided that the recipients or beneficiaries from said fund shall not be eligible for any other pension retirement funds or direct aid from the State of Texas, unless the fund, the creation of which is provided for herein, contributed by the district, is released to the State of Texas as a condition precedent to receiving such other pension aid.

Sec. 3. The board of directors of said district shall have the right to include hospitalization, group life insurance, and medical benefits to their employees as part of the compensation currently paid to such employees by such district, all as may be provided for in any plan, rule, or regulation from time to time made by said directors, or otherwise as said directors may determine, provided that said directors shall have power and authority from time to time to change any such plan, rule, or regulation.

Sec. 4. This Act shall be cumulative of other laws governing Brown County Water Improvement District No. 1 and shall not be construed to repeal any other statutes or regulations for the government of such district, except to the extent that this Act may conflict therewith, in such event this Act shall control. All other statutes governing such district, or applying to it and regulating the handling of the accounts of such district, the payment of money and the time, method, and manner of making reports, and all other matters shall continue in full force and effect and shall regulate the handling of funds under this Act, except as otherwise herein expressly provided.

Sec. 5. If any part of this Act shall be held to be unconstitutional or void, such action shall not affect the other portions of this Act.

Sec. 6. The fact that present statutes relating to Brown County Water Improvement District No. 1 do not specifically authorize the board of directors of the district to provide for and administer a plan for retirement, disability, death compensation, hospitalization, group life insurance, or medical benefits, and the fact that such district is in competition with other employers, public as well as private, within the district which grant employees such benefits as part of their compensation in addition to their cash salaries, making it difficult for such district to secure and retain competent employees, to the detriment of such district, their employees, and the State of Texas, create an emergency and imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Lieutenant Governor

Speaker of the House

I hereby certify that H.B. No. 144 was passed by the House on February 26, 1969, by the following vote: Yeas 146, Nays 0.

Chief Clerk of the House

H.B. No. 144

I hereby certify that H.B. No. 144 was passed by the Senate
on March 5, 1969, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED:

3-11-69

Date

signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4:00 pm O'Clock

MAR 11 1969

Secretary of State

By: Nabers

H.B. No. 144

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2- 4-69 Filed.
2- 5-69 Read first time and referred to Committee on Conservation and Reclamation.
2-18-69 Reported favorably, ordered not printed.
2-19-69 Referred to Committee on Rules at 1:45 p.m.
2-26-69 Read second time, amended and ordered engrossed by a non-record vote.
2-26-69 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 137, Nays 6.
2-26-69 Read third time and passed by the following vote: Yeas 146, Nays 0.
2-26-69 Sent to Engrossing Clerk.
2-26-69 Engrossed.

Dorothy Hallman
Chief Clerk, H. of R.

Area Lippin
Engrossing Clerk, H. of R.

RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

FEB 27 1969

FEB 27 1969

IN THE SENATE
Received from the House

FEB 27 1969

Reported Favorably.

FEB 27 1969

Ordered not printed by the Senate.

MAR 5 1969

SENT TO HOUSE

FEB 27 1969

Read first time
and referred to Committee
on County, District and Urban Affairs

over

MAR 5 1969

Regular order of business and
Senate Rule 110 and Sec. 5, Art. III
of the Constitution suspended by vote
of 29 yeas, 0 nays, to
permit consideration.

MAR 5 1969

READ SECOND TIME, _____

AND PASSED TO THIRD READING.

MAR 5 1969

Senate Rule 30 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 29 yeas,
0 nays, to place bill on third
reading and final passage.

MAR 5 1969

READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 29 Nays 0

Charles Schnabel

Secretary of the Senate

MAR 5 1969

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 5 1969

SENT TO ENROLLING CLERK 1

COO

By Nabers

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FILED FEB 4 1969

FEB 5 1969 READ 1st TIME
AND REFERRED TO COMMITTEE ON
Conservation + Reclamation

Dorothy Hallman
Chief Clerk, House of Representatives

2-18-64 REPORTED FAVORABLY ORDERED NOT PRINTED SENT TO THE SPEAKER

PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 145 P.M. FEB 19 1969
(Time) (Date)

FEB 26 1969 READ SECOND
TIME amended AND
ORDERED By non-record vote ENGROSSED
Dorothy Hallman
Chief Clerk, House of Representatives
FEB 26 1969 Constitutional
Rule requiring bills to be read on
three several days suspended by
A four-fifths vote.
Yeas 137 Nays 6

Dorothy Hallman
Chief Clerk, House of Representatives
FEB 26 1969 Read third time
and Passed
by following vote: yeas 146
Nays 0

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES
FEB 26 1969 MOTION TO RECONSIDER THE VOTE BY
WHICH H.B.# 144 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED passed BY A non-record VOTE OF
YEAS NAYS
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

Caption amended to conform to bill under authority of Rule IV, Sec. 2, Rules of the House of Representatives.

2/26/69
(Date)
Ora Luffin
(Engrossing and Printing Clerk)

APPROVED:
Lynn Nabers
(Author)

FEB 26 1969 SENT TO ENGROSSING CLERK